

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

MARSHA LAMBERT MAINES

PLAINTIFF

v.

CIVIL ACTION NO. 1:24-cv-00050-GHD-RP

THE PEOPLE OF THE STATE
OF COLORADO; et al.

DEFENDANTS

ORDER APPROVING AND ADOPTING REPORT AND RECOMMENDATION

On consideration of the file and records in this action, the Court finds that the Report and Recommendation [4] of the United States Magistrate Judge dated April 8, 2024, regarding the dismissal with prejudice of this *pro se* action for failure to state a plausible claim and failure to establish subject matter jurisdiction, was on that date duly served upon the Plaintiff; and that the Plaintiff's objection [5, 6] thereto has been filed and reviewed by the Court. The Magistrate Judge issued the Report and Recommendation after reviewing the Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2) because the Plaintiff is seeking leave of court to proceed *in forma pauperis* [4].

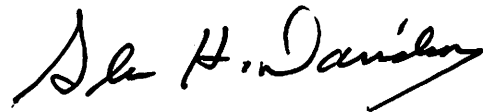
For the reasons aptly set forth in the Magistrate Judge's Report and Recommendation, the Court is of the opinion that the Report and Recommendation should be approved and adopted as the opinion of the Court. The Plaintiff's Complaint, while no doubt sincerely drafted, simply does not state a plausible claim for relief and fails to establish subject matter jurisdiction in this Court. The Court shall therefore dismiss the Plaintiff's claims with prejudice. See, e.g., *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377, 114 S.Ct. 1673, 128 L.Ed.2d 391 (1994); *Neitzke v. Williams*, 490 U.S. 319, 327 n. 6, 109 S.Ct. 1827, 104 L. Ed.2d 338 (1989) (quoting *Bell v. Hood*, 327 U.S. 678, 682–683, 66 S.Ct. 773, 90 L. Ed. 939 (1946)) (holding that “[a] court may find it

lacks subject matter jurisdiction pursuant to Rule 12(b)(1) where the claim or claims are “so attenuated and unsubstantial as to be absolutely devoid of merit”); *Stockman v. Federal Election Com’n*, 138 F.3d 144, 151 (5th Cir. 1998).

The Court therefore **ORDERS** the following:

- 1) the Report and Recommendation [4] of the United States Magistrate Judge dated April 8, 2024, is hereby approved and adopted as the opinion of the Court; and
- 2) This action is DISMISSED WITH PREJUDICE pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.

SO ORDERED, this, the 14th day of May, 2024.

A handwritten signature in black ink, appearing to read "H. Daniels", written over a horizontal line.

SENIOR U.S. DISTRICT JUDGE